

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

- 1 Page 3, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 2. IC 9-25-4-5 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: Sec. 5. Except as provided in section 6
4 of this chapter, the minimum amounts of financial responsibility are as
5 follows:
6 (1) Subject to the limit set forth in subdivision (2), ~~twenty-five~~
7 **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)** for bodily injury to or
8 the death of one (1) individual.
9 (2) ~~Fifty~~ **One hundred** thousand dollars ~~(\$50,000)~~ **(\$100,000)** for
10 bodily injury to or the death of two (2) or more individuals in any
11 one (1) accident.
12 (3) Ten thousand dollars (\$10,000) for damage to or the
13 destruction of property in one (1) accident.
14 SECTION 3. IC 9-25-6-5 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A judgment referred to in this
16 chapter is considered satisfied only when the following conditions are
17 fulfilled as appropriate:
18 (1) Subject to the limit in subdivision (2), ~~twenty-five~~ **fifty**
19 thousand dollars ~~(\$25,000)~~ **(\$50,000)** has been credited upon a
20 judgment rendered in excess of that amount because of bodily
21 injury to or death of one (1) person as the result of one (1)
22 accident.
23 (2) ~~Fifty~~ **One hundred** thousand dollars ~~(\$50,000)~~ **(\$100,000)**

has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident.

(3) Ten thousand dollars (\$10,000) has been credited upon a judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(4) The judgment is satisfied by payment accepted by the judgment creditor in full satisfaction of all claims arising from bodily injury, death, or property damage arising from the motor vehicle accident involved in the judgment.

(b) A payment made in settlement of a claim because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

SECTION 4. IC 27-7-5-2, AS AMENDED BY P.L.233-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, or in a supplement to such a policy, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy provisions who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom.

The uninsured and underinsured motorist coverages must be provided by insurers for either a single premium or for separate premiums, in

limits at least equal to the limits of liability specified in the bodily injury liability provisions of an insured's policy, unless such coverages have been rejected in writing by the insured. However, underinsured motorist coverage must be made available in limits of not less than ~~fifty one~~ **hundred** thousand dollars ~~(\$50,000)~~ **(\$100,000)**. At the insurer's option, the bodily injury liability provisions of the insured's policy may be required to be equal to the insured's underinsured motorist coverage. Insurers may not sell or provide underinsured motorist coverage in an amount less than ~~fifty one hundred~~ thousand dollars ~~(\$50,000)~~ **(\$100,000)**. Insurers must make underinsured motorist coverage available to all existing policyholders on the date of the first renewal of existing policies that occurs on or after January 1, 1995, and on any policies newly issued or delivered on or after January 1, 1995. Uninsured motorist coverage or underinsured motorist coverage may be offered by an insurer in an amount exceeding the limits of liability specified in the bodily injury and property damage liability provisions of the insured's policy.

(b) Any named insured of an automobile or motor vehicle liability policy has the right, on behalf of all other named insureds and all other insureds, in writing, to:

- (1) reject both the uninsured motorist coverage and the underinsured motorist coverage provided for in this section; or
- (2) reject either the uninsured motorist coverage alone or the underinsured motorist coverage alone, if the insurer provides the coverage not rejected separately from the coverage rejected.

No insured may have uninsured motorist property damage liability insurance coverage under this section unless the insured also has uninsured motorist bodily injury liability insurance coverage under this section. Following rejection of either or both uninsured motorist coverage or underinsured motorist coverage, unless later requested in writing, the insurer need not offer uninsured motorist coverage or underinsured motorist coverage in or supplemental to a renewal or replacement policy issued to the same insured by the same insurer or a subsidiary or an affiliate of the originally issuing insurer. Renewals of policies issued or delivered in this state which have undergone interim policy endorsement or amendment do not constitute newly issued or delivered policies for which the insurer is required to provide the coverages described in this section.

SECTION 5. IC 27-7-5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. (a) As used in this section, "health benefit plan" means coverage for health care services provided under:**

- (1) a policy of accident and sickness insurance (as defined in IC 27-8-5-1);**
- (2) a contract with a health maintenance organization under**

1 **IC 27-13; or**

2 **(3) another benefit program that provides payment,**
 3 **reimbursement, or indemnification for the costs of health**
 4 **care services.**

5 **(b) As used in this section, "medical expense" means the actual**
 6 **expense incurred by an insured or an insurer for the following**
 7 **medically necessary items and services as a result of an accident**
 8 **covered under a motor vehicle policy of insurance described in**
 9 **section 2(a) of this chapter:**

10 **(1) Medical, surgical, radiological, dental, ambulance,**
 11 **hospital, and professional nursing services.**

12 **(2) Eyeglasses.**

13 **(3) Pharmaceuticals.**

14 **(4) Hearing aids.**

15 **(5) Prosthetic devices.**

16 **(c) An insurer that issues or delivers a motor vehicle liability**
 17 **policy of insurance described in section 2(a) of this chapter shall**
 18 **offer to provide medical expense payment coverage:**

19 **(1) as approved by the commissioner;**

20 **(2) in an amount equal to five thousand dollars (\$5,000) per**
 21 **individual; and**

22 **(3) for:**

23 **(A) occupants of the insured motor vehicle; and**

24 **(B) individuals insured under the policy.**

25 **(d) A named insured may, on behalf of all other insureds, reject**
 26 **in writing the medical expense payment coverage offered under**
 27 **subsection (c). However, an insured is not eligible for uninsured**
 28 **motorist property damage liability insurance under this chapter**
 29 **unless the insured also purchases medical expense payment**
 30 **coverage in an amount at least equal to the amount described in**
 31 **this section.**

32 **(e) If an individual is eligible for coverage for medical expenses**
 33 **under:**

34 **(1) medical expense payment coverage described in this**
 35 **section; and**

36 **(2) a health benefit plan;**

37 **the medical expense payment coverage is the primary coverage**
 38 **for purposes of coordination of benefits."**

39 Page 6, after line 27, begin a new paragraph and insert:

40 **"SECTION 8. [EFFECTIVE JULY 1, 2005] (a) For a motor**
 41 **vehicle for which financial responsibility is in effect on June 30,**
 42 **2005, through a motor vehicle liability policy of insurance:**

43 **(1) IC 9-25-4-5, before amendment by this act, applies to the**

1 motor vehicle until the first date that the motor vehicle
2 liability policy of insurance is issued, delivered, amended, or
3 renewed after June 30, 2005, after which time IC 9-25-4-5, as
4 amended by this act, applies to the motor vehicle; and

5 (2) IC 9-25-6-5, before amendment by this act, applies to a
6 judgment (as defined in IC 9-25-6-4) that arises from the use
7 of the motor vehicle until the first date that the motor
8 vehicle liability policy of insurance is issued, delivered,
9 amended, or renewed after June 30, 2005, after which time
10 IC 9-25-6-5, as amended by this act, applies to a judgment
11 that arises from the use of the motor vehicle.

12 (b) IC 27-7-5-2, as amended by this act, applies to underinsured
13 motorist coverage that is issued, delivered, amended, or renewed
14 after June 30, 2005.

15 (c) IC 27-7-5-3.5, as added by this act, applies to the issuance,
16 delivery, amendment, or renewal of a motor vehicle liability policy
17 of insurance after June 30, 2005."

18 Renumber all SECTIONS consecutively.

 (Reference is to HB 1221 as printed January 30, 2004.)

Representative Kersey